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EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/12/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/243,701

Applicant(s)

Needham et al.

Examiner

Temica M. Davis

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 3, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-25 and 27-29 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Reassignment Affecting Application Location*

1. The art unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to art unit 2685.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al (Fleck), U.S. Patent No. 6,012,012.

Regarding claim 15, Fleck discloses a server (service center) that receives audio messages (i.e. acoustic/speech, col. 6, lines 25-28, lines 58-62 ) from vehicles and transmits those messages to other vehicles (col. 2, lines 40-49), and a storage medium adapted to store said messages for access based on the position of the vehicle that transmitted the message (col. 5, line 55-col. 6, line 3, col. 7, lines 8-26).

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Regarding claim 16, Fleck discloses the system of Claim 15 wherein said messages include appended vehicle position information (col. 5, line 66-col. 6, line 3).

Regarding claim 17, Fleck discloses the system of Claim 16 wherein said messages include appended vehicle direction information (col. 5, line 66-col. 6, line 3).

Regarding claim 18, Fleck discloses the system of Claim 15 wherein inherently including a radio frequency transmission device as evidenced by the fact that the transmission device is in a cellular environment (col. 5, line 66-col. 6, line 10; figure 4).

Regarding claim 19, Fleck discloses the system of Claim 18 including a cellular telephone link (col. 5, line 66-col. 6, line 10; figure 4).

4. Claims 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondou et al (Kondou), U.S. Patent No. 6,073,075.

Regarding claim 22, Kondou discloses a processor based system mountable in a vehicle, the system comprising a processor , a position locating device coupled to said processor (col. 6, lines 51-61; figure 8), a transmitter adapted to transmit requests for information with appended position information (col. 5, lines 6-21), and wherein said processor sorts received information based on appended position information and identifies that information when the vehicle to proximate to a location associated with the information (col. 5, lines 52-56 and col. 6, line 62-col. 7, line 17).

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Regarding claim 23, Kondou discloses the system of Claim 22 wherein said transmitter is a radio frequency transceiver (col. 7, lines 3-17).

Regarding claim 24, Kondou discloses the system of Claim 22 wherein said transmitter is adapted to append compass information (e.g. GPS information) (col. 7, lines 7-17).

Regarding claim 25, Kondou discloses the system of claim 22 wherein said system is adapted to receive information previously transmitted and stored and then relayed to the vehicle, based on the vehicle's position (col. 5, lines 52-56, col. 6, lines 47-61 and col. 7, lines 3-17).

Regarding claim 27, Kondou discloses the system of Claim 22 wherein inherently, the transmitter is adapted to append information that identifies the transmitter as evidenced by the fact the system knows which terminal to download information to (col. 5, lines 30-35).

Regarding claim 28, Kondou discloses the system of Claim 22 adapted to transmit audio files (col. 6, lines 17-21).

Regarding claim 29, Kondou discloses the system of Claim 22 adapted to receive audio files (col. 6, lines 17-21).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al (Fleck), U.S. Patent No. 6,012,012 and Bourgeois et al (Bourgeois), U.S. Patent No. 6,108,534.

Regarding claim 20, Fleck discloses the system of Claim 15 as described above. Fleck, however, fails to disclose the system adapted to time stamp messages.

Bourgeois discloses a system adapted to time stamp data and voice messages (col. 7, lines 24-29 and col. 7, lines 63-65).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to time stamp messages for the purpose of knowing when a message was received in the system.

Regarding claim 21, the combination of Fleck and Bourgeois art discloses the system of Claim 20 adapted to discard messages based on their time stamp (Bourgeois, col. 8, lines 6-12).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 15-25 and 27-29 have been fully considered but are not persuasive.

Regarding claims 15-19, the examiner's arguments made in response to the appeal brief filed 5/14/01 stand.

Regarding claims 22-25 and 27-29, the applicant argues that Kondou fails to disclose wherein a processor-based system sorts information based on appended position information and

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presents that information when the vehicle is proximate to the location, rather, Kondou discloses a user who refers to situation information on a route to a destination during traveling.

The examiner, however, disagrees. Kondou discloses a system utilizing a car telephone in which is further connected to a mobile phone and GPS system (col. 6, lines 46-61; figure 8). Kondou also discloses that when a user wishes to know the current situation of a road, an information server 21 which has received the position of a mobile terminal (via user input, col. 5, lines 6-34, or through GPS, col. 6, lines 47-61) sends the desired information to the user through the mobile terminal (col. 5, lines 21-35). The desired information is also presented to the mobile terminal by way of the information server when a user changes their destination (col. 6, line 61-col. 7, line 16).

Although this information which pertains to a certain area in which the mobile is in or approaching is downloaded from the information server while the user is moving in a vehicle, this information can also be pre-stored in the mobile device, and then retrieved once the position of the mobile (which is moving to a new area) is detected (col. 9, lines 22-35 and col. 10, lines 16-62).

Therefore, based on the examiner's arguments provided above, the rejections of claims 22-25 and 27-29 stand.

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***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.



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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121*

*Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*



Temica M. Davis

March 6, 2002



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